

Restriction first has been required among what the PTO deems as being four (4) patentably distinct inventions. As applicants must make an election, even when the requirement is traversed, applicants hereby respectfully and provisionally elect Group II directed to a method of reducing undesirable side effects, and presently said to comprise claims 7, 10, 13 and 16, with **partial** traverse and without prejudice.

Applicants do not traverse the requirement as regards Group I, but do traverse the requirement as regards Groups III and IV.

Even if the inventions of Groups III and IV were patentably distinct from one another and were patentably distinct from elected Group II, and applicants take no position in that regard at the present time, the requirement with respect to Groups III and IV should be withdrawn on the basis of the second paragraph of MPEP 803 which requires a search and consideration of plural groups, **even when the requirement is correct**, if it would not constitute a "serious burden". The PTO has not demonstrated different classification for Groups II, III and IV, and it therefore appears that a search for the elected Group II claims would encompass the claims for presently non-elected Groups III and IV. Examination would then not constitute a "serious burden".

Applicants accordingly respectfully request withdrawal of the requirement as regards non-elected Groups III and IV.

In addition to the restriction requirement, applicants have been required to elect one from among what is stated to be three patentably distinct species. Again, as applicants must make an election even if the requirement is traversed, applicants hereby respectfully and provisionally elect carotenoid mixture (c), namely a mixture of lycopene, phytoene and phytofluene, with traverse and without prejudice. The claims which read on the elected species, not counting the claims of non-elected Group I, are claims 7-18, with claims 7-15 being generic, and claims 16-18 being specific to the elected species.

Applicants' traversal is again based on the second paragraph of MPEP 803. Applicants at this stage take no position on whether or not the species are patentably distinct from one another.

For the record, applicants understand that if the requirements are repeated and made final, the PTO will be taking the position that the non-elected subject matter is indeed patentably distinct from the elected subject matter, i.e. the elected subject matter defines non-obvious subject matter over the non-elected subject matter.

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Applicants believe that all issues raised in the official Action have been addressed, and applicants now respectfully await the receipt of the results of an examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By



Sheridan Neimark

Registration No. 20,520

SN:tdd

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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